

CERTIFICATE OF EXPRESS MAILING

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on March 31, 2003
Date of Mailing
Joy Ann G. Serauskas
Applicant, Assignee or Registered Representative
Joy Ann G. Serauskas
Signature
March 31, 2003
Date of Signature

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RESPONSE TO OFFICE ACTION TRANSMITTAL LETTER			ATTORNEY'S DOCKET NO. 24180-044009
APPLN. NO. 09/369,980	FILING DATE July 30, 1999	EXAMINER R. Dye	GROUP ART UNIT 3627
INVENTOR(S) Galloway, et al.			
TITLE OF INVENTION Multi-layer Thermoplastic Films and Packages Made Therefrom			

TO THE COMMISSIONER OF PATENTS AND TRADEMARKS

Transmitted herewith is a response in the above-identified application to the Notice of Non-Compliant Amendment of October 31, 2002.

- ☐ Small entity status of this application under 37 CFR 1.27 has been established by a verified statement previously submitted.
- ☐ A verified statement to establish a small entry status under 37 CFR 1.9 and 1.27 is enclosed.
- ☐ A request for a _____-month extension of time is enclosed.
- ☒ No additional claim fee is required.
- ☐ The fee has been calculated as shown below:

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SMALL ENTITY

	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA
TOTAL		MINUS		
INDEP.		MINUS		
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				

OTHER THAN A
SMALL ENTITY

RATE	ADD'L FEE	OR	RATE	ADD'L FEE
x \$9 =	\$		x \$18 =	\$
x \$42 =	\$		x \$84 =	\$
x \$135 =	\$		x \$270 =	\$
TOTAL ADD'L FEE	\$168	OR	TOTAL ADD'L FEE	\$

- ☒ Please charge Deposit Account No. 13-0206 in the amount of \$410.00 for the Response to Office and Petition for Two-Month Extension. A duplicate copy of this sheet is enclosed.
- ☐ A check in the amount of \$_____ to cover filing fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge payment of any additional filing fees required under 37 CFR 1.16 and any patent application processing fees under 37 CFR 1.17 associated with this communication or credit any overpayment to Deposit Account No. 13-0206. A duplicate copy of this sheet is enclosed.
- ☒ I hereby petition under 37 CFR 1.136(a) for any extension of time required to ensure that this paper is timely filed. Please charge any associated fees which have not otherwise been paid to Deposit Account No. 13-0206. A duplicate copy of this sheet is enclosed.

March 31, 2003
(Date)

SIGNATURE: Joy Ann G. Serauskas

PATENT AGENT: Joy Ann G. Serauskas
REGISTRATION NO: 27,952

McDERMOTT, WILL & EMERY
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PTO/SB/17 (01-03)
Approved for use through 04/09/2003. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 410

Compleat if Known

Application Number 09/369,986
Filing Date July 30, 1999
First Named Inventor Galloway, et al.
Examiner Name R. Dye
Art Unit 3627
Attorney Docket No. 24180-044009

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number 13-0206
Deposit Account Name McDermott, Will & Emery

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments
☒ Charge any additional fee(s) during the pendency of this application
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	750	2001	375	Utility filing fee	
1002	330	2002	165	Design filing fee	
1003	520	2003	260	Plant filing fee	
1004	750	2004	375	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$) 0

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

		Extra Claims	Fee from below	Fee Paid
Total Claims		-20** =	18	0
Independent Claims		-3** =	84	0
Multiple Dependent			0	0

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	84	2201	42	Independent claims in excess of 3
1203	280	2203	140	Multiple dependent claim, if not paid
1204	84	2204	42	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) 0

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	410	2252	205	Extension for reply within second month	
1253	930	2253	465	Extension for reply within third month	
1254	1,450	2254	725	Extension for reply within fourth month	
1255	1,970	2255	985	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,300	2453	650	Petition to revive - unintentional	
1501	1,300	2501	650	Utility issue fee (or reissue)	
1502	470	2502	235	Design issue fee	
1503	630	2503	315	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	750	2809	375	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	750	2810	375	For each additional invention to be examined (37 CFR 1.129(b))	
1801	750	2801	375	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 410

SUBMITTED BY

Name (Print/Type) Joy Ann G. Serauskas
Signature Joy Ann G. Serauskas
Registration No. (Attorney/Agent) 27,952
Telephone (312) 372-2000
Date March 31, 2003

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

In re Appln. of Galloway, et al.

"Multi-Layer Thermoplastic Films and Packages Made Therefrom"

Appln. No. 09/369,980

Docket No. 24180-044009

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CERTIFICATE OF MAILING BY "EXPRESS MAIL"



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Date of Deposit: March 31, 2003

I hereby certify that the following documents:

1. Certificate of Express Mailing (1 pp.);
2. Fee Transmittal (1 pp. - in dup.);
3. Response to Office Action Transmittal (1 pp. - in dup.);
4. Petition for Two-Month Extension (1 pp. - in dup.);
5. Response to Non-Final Office Action (6 pp.) and
6. Return Postcard.

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Sharon McClain

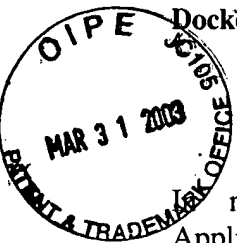
(Typed or printed name of person mailing paper or fee)

Sharon McClain

(Signature of person mailing paper or fee)

Handwritten signature and initials

PATENT



Docket No. 24180-044009

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Galloway, et al., U.S. Patent)
Application No. 09/369,980)
)
For: MULTI-LAYER THERMOPLASTIC FILMS)
AND PACKAGES MADE THEREFROM)
)
Filed: July 30, 1999)
)
Group Art Unit: 3627)
)
Examiner: R. Dye)

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RESPONSE TO NON-FINAL OFFICE ACTION

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

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Dear Sir:

In response to the non-final Office Action of October 31, 2002, it is respectfully requested that the following remarks be considered. Applicants have also requested an extension of time under 37 CFR §1.136 in order for this paper to be timely filed.

REMARKS

Claims 17, 18, 20 and 21 are pending in the application. Claims 17, 18, 20 and 21 are rejected by the Examiner.

Claims 17, 18, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newsome (4,457,960) in view of Lai et al. (5,272,236) and further in view of Wilhoit (5,283,128).

It is the Examiner's position based on the Newsome and Lai references that it would have been obvious to one skilled in the art to substitute the polymer described in Lai in the film structure described in Newsome. It is also the Examiner's position that irradiation of similar film